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Online crime victimization

Needs, consequences and responsibilities following victimization through cybercrime and digital crime

Summary

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Summary

Introduction

This study is a first step towards exploring the impact of online crime victimization in the Netherlands, victims' needs and the responsibilities of the police, the judiciary and other authorities in dealing with such crimes. Particular attention will be paid to the question of how and to what extent the situation and needs of victims of online crimes differ from the situation and needs of victims of traditional offline crimes. Greater insight into this can then help to ascertain whether current victim policy – developed for traditional offline offenses – meets the needs of victims of online crimes.

The term 'online crime' covers a range of offenses, which can be subdivided into two categories: cybercrime and digitized crime. Cybercrime includes offenses where the IT structure itself is the target and for which IT is essential in executing the offense. Examples include hacking a database with personal data or shutting down a bank's website through a so-called DDoS attack. These types of offenses are also known as cyber-dependent crimes. Digitized crime includes traditional offline crimes that can also be committed online. Examples are Internet fraud, the distribution of child pornographic material and stalking. These types of offenses are also called cyber-enabled crimes.

Methods

The central question of this research is: in relation to the police/judiciary, how and to what extent do the situation and needs of victims of online crimes (both cyber-enabled and cyber-dependent crimes) differ from the situation and needs of victims of traditional offline offenses? To answer this question, various research methods were used.

In order to gain insight into current Dutch victim policy, policy documents were searched for via official government websites and online search engines such as Google. Members of this study's supervisory committee helped to identify the key policy documents. To discover any amendments to the victim policy of other

countries, we searched for public policy documents from those countries. In consultation with members of the study's supervisory committee, it was decided to focus on the United Kingdom, Germany, Estonia, Australia and United States. Subsequently, a literature study was conducted to gain insight into the consequences of traditional offline offenses and victim needs, to enable comparison with the empirical outcomes of our study.

Based on the literature review, a topic list was compiled and this was used as a basis for interviewing experts. The experts interviewed included police officers and Public Prosecutors engaged in the investigation and prosecution of online crime on a daily basis; employees of victim support agencies; and scientific researchers. The aim of the interviews was to gain more insight into how online crime victimization and associated responsibilities are assessed. Interviews were conducted with 18 Dutch experts and four international experts.

In order to better understand what victims of online offenses need in terms of help and support, and what expectations they have of how the police and judicial authorities will approach this, 19 victims were interviewed. Victims of all types of online crimes were interviewed: victims of cyber-dependent crimes (hacking, ransomware), financially motivated cyber-enabled crime (phishing, dating fraud), interpersonal cyber-enabled crime (cyberstalking and threats) and sexual cyber-enabled crimes (sexting).

Finally, experts from inside and outside the police and judiciary were invited to discuss the results from the literature review, the expert interviews and the victim interviews. During the discussions, the experts had opportunity to reflect on the results of the study and on each other's views. In addition, the important questions for further research in this area could be identified.

Traditional offline crimes

The literature shows that victims of traditional offline crimes have a variety of needs, from emotional needs, such as being recognized as a victim, to needs related to the criminal process, such as legal assistance and information needs, for example information about the offender. Furthermore, victims have practical needs, such as housing assistance, and financial needs, such as compensation. Finally, victims sometimes have primary needs, such as immediate safety. It should be noted that there are general needs that apply to all forms of victimization and also specific needs that apply to victims of specific offenses.

The Dutch victim policy is based on the needs of victims. This is in line with the results from previous empirical research into victim's needs. It should be noted that the Dutch policy cannot be viewed separately from a broader international framework – for example, at the level of the United Nations, the 1985 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the Guidelines on Justice for Child Victims and Witnesses of Crime of 2005. In addition, the Council of Europe in 2006 adopted the "Recommendation on Assistance for Crime Victims".¹ Furthermore, there are European Union regulations with regard to victims. Of particular importance are the 2004 directive on damage and the minimum standards directive for victims from 2012.² The European Directive on Minimum Standards for Victims³ (2012) also takes victims' needs as the starting point. The Ministry of Justice and Security summarizes victims' needs under the following five policy goals: recognition and care (including information), justice, protection, support and compensation and recovery. In addition, responsibility for victim care is vested in the executive level. All police officers should be competent in providing victim care. Under the current Dutch policy, in terms of dealing with victims of offenses, it is clearly indicated when responsibility for victim care lies with the police (Implementation plan

¹ The Netherlands has committed itself to this, but there are no sanctions for non-compliance.

² Directive 2012/29 / EU of the European Parliament and of the Council of 25 October 2012 laying down minimum standards for the rights, support and protection of victims of crime. On: <https://eur-lex.europa.eu/legal-content/NL/TXT/?uri=CELEX%3A32012L0029>

³ Directive 2012/29 / EU of the European Parliament and of the Council of 25 October 2012 laying down minimum standards for the rights, support and protection of victims of crime. On: <https://eur-lex.europa.eu/legal-content/NL/TXT/?uri=CELEX%3A32012L0029>

for the victim care program) and when it lies with Victim Support Netherlands: "Victim care must be invested at the operational (police) level; victim support with Victim Support Netherlands." (Implementation plan for the victim care program, 2015: p. 7). Victim care is considered to be dealing with victims within the statutory tasks of the police. Victim support implies emotional, practical and legal support before, during and after criminal proceedings (Implementation plan for the victim care program, 2015).

Consequences of victimization through online offenses

Previous studies of the consequences of online crime victimization show that victims must contend with many of the same consequences as victims of traditional offline crimes. These consequences are related to victims' personal characteristics and, for example, the degree of support within their social environment. For example, victims of cyberstalking, like victims of traditional offline stalking, experience anger, helplessness and fear. Victims also report loss of control over their life, depression and stress. Victims of fraud crimes first of all experience financial consequences, but they also report emotional and psychological consequences. These include reduced confidence in others and feelings of powerlessness, but also shame, sadness, stress, loneliness and anger. An additional consequence of fraud crimes is that victims are often not taken seriously by the police or, in the event of identity fraud, they are themselves seen as offenders. Sexting is sending and receiving sexual images through digital messaging services such as Whatsapp, Snapchap and Instagram. Sexting can have very negative consequences for the victim if footage falls into the hands of others. Victims experience feelings of depression, have reduced self-esteem and lose confidence in others. In addition, reputation damage is an important consequence of victimization through this offense. Victims receive negative reactions from their online and offline social environment. In the longer term, victimization through a number of offenses causes feelings of paranoia and fear, as victims fear that the visual material will be further disseminated.

The interviews with victims and experts show – in line with the literature – that in fact most of the consequences experienced by victims of online offenses correspond

to the consequences of traditional offline offenses. For example, most victims experience financial consequences, through regular offenses in the fraud cluster and also through interpersonal offenses, sex offenses and cyber-dependent crimes. In addition, victims of offenses from all clusters report indirect financial consequences, such as loss of time, the need to replace computer equipment, inability to meet contractual agreements and the loss of work. The financial consequences reported by victims vary from the loss of several hundred euros to amounts of more than two hundred thousand euros. The ultimate impact of these financial consequences on victims' lives varies depending on their financial situation and social environment.

Almost all victims report psychological and emotional consequences of online crime, to a greater or lesser extent. Some consequences have a devastating impact, for example if they impact on multiple aspects of life. Commonly reported consequences are: loss of trust, guilt and shame, anger, outrage and frustration, stress, fear, feeling unsafe, powerlessness, grief and disappointment. A first important observation is that online offenses can have a major impact on victims.

In addition to similarities in the perceived consequences of victimization through online offenses and through traditional offline offenses, there are also differences. The consequences themselves do not deviate significantly, but the impact does.

The scale at which, for example, images are distributed (in the event of sexting, threat or stalking) can be very extensive. Whether large-scale distribution actually takes place is less of a concern here, but victims experience the fear that this may happen. Because of the ease with which images can be shared online, compromising images can become visible to a very large, sometimes virtually unlimited, group of people. Online visual material can then possibly be viewed by everyone (for example, at school, at work and in the social environment). A side effect can be large-scale victim blaming, in which victims themselves are held to be (co-)responsible by the police, by their social environment, and now also by all sorts of strangers on the internet.

In addition, victimization does not always stop in time. Because of the ease with which images can be shared online, the victim must live with the idea that images may continue to drift around online and resurface at a later time. Victims fear that stolen data or nude images may be made public by the offender or that they may still exist somewhere on the internet and could unexpectedly emerge. Long after the initial offense, this fear remains, even if an offender is convicted.

In relation to other online offenses, too, victims can be confronted by the offender (or their activities) long after the initial offense. For example, victims can be confronted by a fraudulent web shop that is still online, or by a stalker's online activities. On the one hand, this is because detection can be difficult (foreign servers, online nicknames, etc.); on the other hand, it is relatively easy for the victim to search for online information about the web shop or an online nickname. The consequences of online crime for victims can be limitless in time, space and public.

The interwovenness of the online and offline world can also increase the impact. In interpersonal offenses, fear plays a role by nature of the offense being intended to cause serious negative emotions in the victim. That fear is further increased because these offenses have both online and offline aspects, making the online threats seem equally physically realistic and easy to imagine. For example, in two cases, criminal offenses had already been committed in the physical world, such as stalking, threats and abuse. Offenders then turned to abusing online opportunities to bother the victim even more. The victim gets a sense of no longer being safe anywhere, with the possibility of being confronted by the offender at any time.

The abstract nature of the more technical offenses often makes it impossible to know who the potential offender is. The victim can therefore start to believe that the offender could be anywhere and that victimhood could be repeated at any time.

Finally, online offenses sometimes involve victim blaming and a so-called double hit – or even a triple hit – meaning that victims may not only have to deal with the financial consequences, but also with shame, and the disapproval of the

police/judiciary and his or her social environment. Such consequences are not new, but they can become more prevalent if the investigative authorities, victim support organisations and the social environment are not familiar with the offense and therefore do not recognize or acknowledge it.

Needs and responsibilities after online crime victimization

Previous research has shown that victims of online fraud often have a need for retaliation. They indicate that they want a criminal investigation to start in order to punish the offender (and as a result, claim financial compensation). Some indicate that they want to prevent the victimization of others. In addition, victims of online fraud indicate that they need clear information about what they can expect from the police and judicial authorities, even if this information is negative for the victim. Identity fraud victims also want to report, but they need recovery too. It also appears that they do not always want to file a report with the police; it sometimes suffices to report to, for example, the bank. This too enables victims to feel heard. In some cases, victims do not want to report at all, because they are afraid that they may have to prove they are not themselves the offender. In interpersonal offenses, such as cyberstalking and sexting, victims mainly want to avoid contact with the offender. They want the police to take action and arrest the offender. In sexting cases, victims have a specific need: they want the images to be taken offline as quickly as possible. Finally, victims of these interpersonal crimes also have a need for emotional support.

The interviews with victims and experts show that victims of online offenses have different categories of needs: emotional needs, needs regarding the course of the criminal process, information needs, financial needs and primary needs. The only needs that play a less significant role for victims of online offenses are practical needs, such as arranging formalities or assistance with transport. The following three needs are considered to be the most important: stopping victimization; punishment and retribution; and helping others.

The most important emotional needs after victimization are recognition and the need for initial care and support. In particular, the recognition of victimhood, coupled with

the ability to tell your story, is sometimes experienced by victims as problematic. This is because victims initially see the police as an organization that can help them but, in some cases, victims are then not allowed to report the offence or feel that they are not being taken seriously by police officers. Such problems also occur in the handling of traditional offline offenses but they can be more frequent in online offenses, possibly due to police officers in the field lacking sufficient knowledge about this type of crime.

When it comes to needs regarding the course of the criminal trial and information needs, victims state that it is important to have the offender convicted, to be able to report the crime and – in cases where there is a criminal investigation – to be kept informed of the progress of the investigations and criminal proceedings. However, a number of problems arise in the handling of online offenses, resulting in these needs not always being met. For example, it appears that only two of the nineteen victims interviewed had an offender convicted. On the one hand, this is because it is not always possible to report the crime; on the other hand, it is because the police do not always decide to start a criminal investigation. Such problems are not new and also play a role in traditional offline forms of crime. However, the question is whether these problems are aggravated when dealing with online offenses. In line with the conclusions about information needs and as also apparent from previous research, there is a lack of knowledge among police officers regarding the handling of online offenses and police officers deem the handling of such offenses to be complex. As a result, reports cannot be made, criminal investigations are not carried out and/or victims are blamed for their own victimization.

Victims' most important financial need is compensation for damage and losses. However, most interviewed victims who sought compensation did not get any. According to victims, this is due to not being able to report the crime, no criminal investigation being started, or not being able to convict the offender. It may also be the case that victims will not receive compensation even if a criminal investigation is in fact initiated. According to experts, due to the sometimes enormous number of

victims of an offender or group of offenders, simply not all victims can be involved in the criminal investigation.

Victims also have primary needs. Most victims did not expect these needs to be met by the police or other authorities, but that does not mean these needs play no role in online offenses. The three victims who reported primary needs and who did see a role for the police in meeting those needs, illustrated that online offenses can be so radical that (physically) unsafe situations do indeed arise, as evident in an interpersonal offense, cyber-dependent crime and a fraud crime. None of these victims felt that these needs were satisfied.

Victims primarily see the police as the responsible actor after victimization. Most victims who take action after their victimization approach the police. However, the needs analysis and the degree of needs satisfaction after victimization show that things often go wrong when the police are contacted. Victims sometimes cannot make a report, they may even be sent away from the reception desk, or the police may not start a criminal investigation. Finally, fraud crime victims primarily also contact a financial institution or a reporting centre. Victims of offenses from the other clusters of online offenses tend to contact a variety of organizations, for example municipalities, emergency services, private detective agencies or journalists.

Conclusions

The interviews with victims of online crimes and experts show that most of the consequences reported by victims of online offenses are not new and that they correspond to the consequences of traditional offline offenses. This is in line with previous research into the consequences of victimization through online offenses.

However, the characteristics of online crimes mean that their impact can be much more significant than the impact of offline offenses. In summary, the online aspect reinforces the consequences for the victim at different times. For example, the impact of an online offense can be greater than traditional offline offenses because the scale at which, for example, images are shared after a hack can be very extensive and

victimization does not always stop in time. Images can always re-emerge. In technical offenses, the identity of the potential offender often remains unknown.

Due to these characteristics, the victim's perception is that the consequences could be repeated at any time. Furthermore, the interconnectedness of the online and offline world can increase the impact of the online variant of a traditional offline crime, such as stalking or threats. Victims are no longer safe, even in their own homes, because now the offender can not only bother them in the offline physical world but through all sorts of online possibilities as well.

In contrast to the more traditional offline offenses, online offenses often have multiple facets, each of which can provide a certain type of victimization. For example, financial consequences often go hand in hand with feelings of shame and guilt. In cases where the offender enters into a romantic relationship with the victim, in addition to the victim experiencing financial consequences, a sense of shame and guilt, they also feel the sadness of having lost (imaginary) love. Such far-reaching consequences can be reinforced if the police subsequently fail to actively seek out the offender or if police officers partly blame the victim. Another consequence may be that the victim withdraws (in part) from (online) society.

Victims' needs are often not met. One example is the need to be recognized as a victim. According to victims, this is the most important emotional need, together with the need for initial reception, care and support. Victims tend to see the police as an organization that can help them, while in practice it appears that, in a number of cases, victims are dismissed by police officers, victims do not feel taken seriously or they are not helped by police officers. A second example is needs related to the criminal process. Victims indicate that it is especially important for the offender to be punished, to be able to report their victimization and – in cases where a criminal investigation has started – to be kept informed of the progress of the investigation and criminal proceedings. However, a number of problems arise in the handling of online offenses, which means that these needs cannot always be met. For example, it appears that only two of the nineteen victims interviewed had a suspect caught

and convicted. On the one hand, as mentioned above, this is because it is not always possible to report a crime; on the other hand, it is because the police do not always start a criminal investigation. A third example: victims' most important financial need is compensation. However, most victims who sought financial compensation did not get any, for reasons mentioned above.

The problems outlined in relation to victims' needs are not new: victims of traditional offline crimes also feel they are not always acknowledged, they are not always able to report a crime, or the police fails to start a criminal investigation. According to victims and experts, however, police officers do not have sufficient knowledge of online offenses and consider such offenses to be complex. As a result, even more frequently than with traditional offline offenses, people are sent away from the reception desk, they are victim blamed, or the crime is not investigated. These problems are therefore not new, but they could possibly be more significant in online offenses - especially in view of the fact that victims report seeing the police as the responsible actor after victimization. After all, the needs analysis and the degree of needs satisfaction after victimization clearly show that things often go wrong when the police are contacted.

Future research

Follow-up research could focus on whether the police and parties such as Victim Support Netherlands are sufficiently equipped to recognize the more burdensome variants of online offenses, impacting on multiple aspects of life, and whether they are capable of providing sufficient guidance to victims.

Another topic for possible follow-up research is the speed of the response by the police and other agencies when it comes to taking pictures of sexually explicit images offline. Victims indicate that the rapid retrieval of such images is essential and they see the police as an actor to help achieve this. However, the organization of the police does not seem to be well equipped for this task at present. Follow-up research could shed light on this new phenomenon. Which actors could be involved in taking pictures offline as quickly as possible and what legal options do public and private parties have in order to do this?

Another important question is whether persons who may not yet know that they are victims of an online offense should be informed, given the mass of the number of victims in some types of online crime. The consequences of notifying (potential) victims are unclear. Will all the victims duly informed then receive effective help from the police or victim support organisations? And do citizens or companies definitely want to be informed of this in all cases? Better insight into victims' needs in this regard could support policy development in this area.

Some victims of online offenses conduct their own online investigations. When they bring their information to the police, however, they are often disappointed by the police concluding that there is too little so-called 'detection indication' (information about the offender). It is possible that the way in which the police deal with victims of online offenses could lead to vigilantism. Might victims themselves become more active in, for example, tracking down the possible offender precisely because they feel that the police are doing too little or cannot do enough? And could such citizen participation by victims (assisting the police) perhaps also help in processing the offense and overcoming frustration? These are important research questions.

The assumption by victims and experts of police officers' lack of knowledge is a serious matter for attention. A potential solution would be to update police officers' knowledge of online offenses and to keep it up to date. Given the growing share of online crime within total crime, a greater degree of activity on this front would be desirable. However, insight is first needed into the state of affairs with regard to knowledge about online crime within the broad police organization.